SE/S Hamilton Place, 1490' NE (11733 Hamilton Place)

11th Election District 5th Councilmanic District

Arcangelo R. Piunti, et ux

Petitioners

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 94-26-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, Arcangelo and Sylvia Piunti. The Petitioners request relief from Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the conversion of an existing dwelling into two apartments and a lot width of 100 feet in lieu of the required 125 feet, and side yards of 10 feet and 21 feet in lieu of the required 20 feet and 30 feet, respectively, all as more particularly described on Petitioner's Exhibit 1

Appearing on behalf of the Petition were Arcangelo and Sylvia Piunti, property owners, and Pamela Piunti Staddin, the Petitioners' daughter. Many residents of the surrounding community appeared in opposition to the Petitioners' request, including Phyllis Andrews, the immediately adjoining property owner.

Testimony indicated that the subject property, known as 11733 Hamilton Place, or Lot 9 of Darryl Gardens, consists of 1.387 acres, more or less, zoned D.R. 2 and is improved with a single family dwelling, above-ground swimming pool and accessory shed. The swimming pool and shed actually straddle the property line adjoining Lot 8 of Darryl Gardens which is also owned by the Petitioners and remains unimproved. Mr. Piunti testified that he and his wife are desirous of constructing a one-story

2) The proposed addition shall be constructed in

accordance with the floor plan received in this office on August 31, 1993. Said floor plan has been incorpo-

rated into the case file and made a part of the record.

The size of the addition is limited to $16' \times 28.4'$ as

shown on the plan and shall be constructed of the same

or similar building materials as the existing dwelling.

That is, the front facing of the addition shall be

constructed of brick the same as or similar to that

existing on the dwelling, and all siding and shingles used on the addition shall match that existing on the

3) The proposed addition shall be occupied only by

the Petitioners' daughter, Pamela Piunti Staddin, and

Ms. Staddin's 11-year old daughter. The addition

ing other family members. In the event Ms. Staddin no

longer resides in the proposed addition, then all

kitchen facilities provided therein shall be removed

from the premises and the dwelling shall be reconvert-

ed back to a single family dwelling. Said kitchen

facilities shall only be permitted to exist for so

4) In the event Ms. Staddin moves away from the property and the Petitioners find it necessary to

provide housing for another family member, the Petitioners have the right to file for a new hearing to

determine the appropriateness of allowing another

5) In the event the Petitioners desire to sell the

6) Within sixty (60) days of the date of this Order and prior to the issuance of any occupancy permits. the Petitioners shall cause a copy of this Order to be recorded in the Land Records of Baltimore County so that any potential purchaser of the subject property

will be on notice that this property can only be con-

7) When applying for any permits, the site plan

filed must reference this case and set forth and ad-

subject property, it shall be listed and sold as a single family dwelling and shall in no way be repre-

family member to reside in the subject addition.

long as Ms. Staddin resides therein.

sented as a two-apartment dwelling.

veyed as a single family dwelling.

dress the restrictions of this Order.

shall not be occupied by any other individuals, includ-

addition on the west side of the existing dwelling to provide separate living quarters for their daughter and granddaughter. Testimony revealed that their daughter recently went through a divorce and finds it necessary to move back home for financial reasons. The Petitioners also wish to provide kitchen facilities within the proposed addition so that their daughter can prepare meals for herself and her child at her convenience. Due to the fact that the proposed addition will have cooking facilities, it then becomes categorized as a second apartment. It was therefore necessary for the Petitioners to request such use within their Petition. The Petitioners testified that the proposed addition will be occupied by their daughter and granddaughter, only, and that they themselves will continue to occupy the main dwelling as they have done so for the past 13 years. Testimony indicated that the proposed addition will be constructed with the same materials and of the same design so as to match the existing dwelling. The Petitioner provided to this Deputy Zoning Commissioner a floor plan of the proposed addition detailing the layout and size of the

Many residents of the surrounding community appeared in opposition to the Petitioners' request. The residents were originally under the impression that the property was being converted into apartments for rental to the general public. They also voiced concern that permitting two apartments to exist on the subject property would adversely affect their property values and allow undesirables to move into the neighborhood.

After a lengthy discussion with the Petitioners and the neighbors who were in attendance, it was made clear from the testimony presented that the Petitioners will continue to reside in the dwelling and their daughter and granddaughter will be the residents of the proposed addition.

- 2-

The Petitioners stated that they have no intention of ever allowing anyone other than a family member to reside in the proposed addition. Conditions and restrictions will be imposed pursuant to this Order that will severely restrict the proposed addition from ever being utilized by anyone other than a member of the Piunti family.

It should be noted that the proposed addition could have been constructed without the necessity of a hearing had the Petitioners chosen not to provide their daughter with a kitchen. However, because they wish to provide their daughter with her own kitchen, the relief requested is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the publid health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 104h day of September, 1993 that the Petition for Variance requesting relief from Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the conversion of an existing dwelling into two apartments and a lot width of 100 feet in lieu of the required 125 feet, and side yards of 10 feet and 21 feet in lieu of the required 20 feet and 30 feet, respectively, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > - 4-

proposed addition.

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

September 10, 1993

Baltimore County Government

Zoning Commissioner Office of Planning and Zoning

(410) 887-4386

Mr. & Mrs. Arcangelo R. Piunti 11733 Hamilton Place White Marsh, Maryland 21162

RE: PETITION FOR VARIANCE SE/S Hamilton Place, 1490' NE of Carrington Drive (11733 Hamilton Place) 11th Election District - 5th Councilmanic District Arcangelo R. Piunti, et ux - Petitioners Case No. 94-26-A

Dear Mr. & Mrs. Piunti:

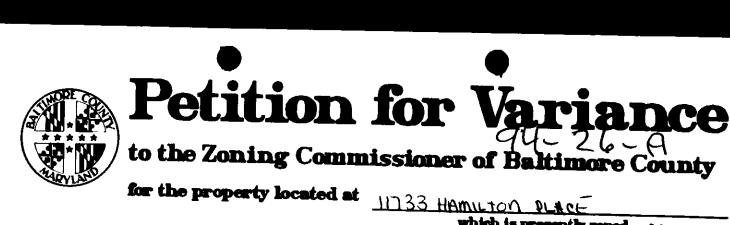
Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

cc: Mr. & Mrs. Robert T. Andrews

Deputy Zoning Commissioner for Baltimore County

11735 Hamilton Place, White Marsh, Md. 21162 People's Counsel



which is presently sound DR-9 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) To allow conversion to a 2 apt. dwelling with a lot with or toomt, and side yerds of 10%. & alft. in lies of the required 125%., 20% .830%.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or Due to the financial instability of our baughters employer and the well are of our granddaughver, they will be moving in with 05. Herefore, we will need to expand our housing to accomposate years.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Lew for Baltimore County.

¥			ESTIMATED LENGTH OF HEARING unevallable for Hearing the following dates Next Two Months
ny	State	Zipcode	Address Phone No OFFICE USE ONLY
ddress	Phone No		Name
ignature			City State Zipcode Name, Address and phone number of legal owner, contract purchaser or represer to be contacted.
Type or Print Name)			White Marsh MD 21162
Attorney for Petitioner			11722 1100 1 700 01
City	State	Zipcode	She Vuinte
Address			Sylvia Prunti
Signature			Grangel Rosano Punt
(Type or Print Name)			ARCANGELO ROSARIO PIUNTI
Contract Purchaser/Lessee.			I/We do solemnly declare and affirm, under the penalties of perjury, that I/we as legal owner(s) of the property which is the subject of this Petrion Legal Owner(s)

B.C.Z.R.

ZONING Description for # 11733 Hamilton PL.

Beginning at a point on the SE side of Hamilton PL., 1490 ft - NE of Carring -ton Ave. Being Lot #9, block O in the Subdivision, Darryl Gardens, Plat #3, as recorded in Baltimore county Plat Book No. 18 folio 94 and containing 1.387 acres = and located in the 11th Election District.

TMK:bjs

butty hotrow

TIMOTHY M. KOTROCO

for Baltimore County

Deputy Zoning Commissioner

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townson, Maryland

Posted for: Lenence	Date of Posting 7/30/93
Petitioner: Areano elo Rosorio 4 S	4/Vio PinaTi
Location of property: 11733 Homillon	Moce, SE/s, 1490'+ NE/Coming towns
Location of Signs: Facing You dwg on	property to be nowed.
Remarks:	

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a of Battimore County will note a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows: Case: #94-26-A (Item 27) 11733 Hamilton Place SE/S Hamilton Place, 1490'±/- NE of Carrington Drive 11th Election District th Councilmanic Petitioner(s):
Arcangelo Rosario Piunti and Sylvia Piunti Hearing: Thursday,
August 19, 1993 at 10:00 a.m. in Rm. 106, County Office Building. Variance to allow conversion to a two-apartment dwelling with a lot width of 100 feet and side yards of 10 feet and 21 feet in lieu of the required 125 feet, 20 feet LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1)Hearings are Handi-capped Accessible; for special ac-

(2)For information concerning the File and/or Hearing, Please Call

887-3391, 7/356 July 29,

(3)

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on July 29. 19 93

THE JEFFERSONIAN.

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 2, 1993 Zoning Administration and Development Management

FROM Nobert W. Bowling, Senior Engineer Development Flan Review RE: Zoning Advisory Committee Meeting for August 2, 1993

Item No. 27

The Development Plan Review Section has reviewed the subject zoning item. We recommend that adequate onsite parking spaces be provided.

BWB:s

111 West Chesapeake Avenue Towson, MD - 21204 -

fqiesen

TAKEN IN BY SEEF

Baltimore County Government Office of Zoning Administration and Development Management

JUL. 2 7 1993

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-26-A (Item 27) 11733 Hamilton Place SE/S Hamilton Place, 1490'+/- NE of Carrington Drive 11th Election District - 5th Councilmanic Petitioner(s): Arcangelo Rosario Piunti and Sylvia Piunti HEARING: THURSDAY, AUGUST 19, 1993 at 10:00 a.m. in Rm. 106, County Office Building.

Variance to allow conversion to a two-apartment dwelling with a lot width of 100 feet and side yards of 10 feet and 21 feet in lieu of the required 125 feet, 20 feet , and 30 feet respectively.

Call Jobba

cc: Arcangelo and Sylvia Piunti

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management

August 10, 1993

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Mr. and Mrs. Arcangelo Rosario Puinti 11733 Hamilton Place

RE: Case No. 94~26~A, Item No. 27 Petitioner: Arcangelo Rosario Puinti, et ux

Petition for Variance

Dear Mr. and Mrs. Puinti:

White Marsh, Maryland 21162

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 16, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Maryland Department of Transportation
State Highway Administration

Administrator

O. James Lighthizer Hal Kassoff

7-22-93

Ms. Helene Kehring Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Zoning Administration & Development Management
Lit West Chesquake Avenue
Townson, Maryland 21204

11733 Hamilton PL Site

Mr. & Mrs. Arcongelo Pivoti puners

010 - Variance - 50. 00.

Total - \$85.00

Re: Baltimore County
Item No.: \$\psi 97 (\mathcal{J}\ma

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

John Contestabile, Chief

Engineering Access Permits

My telephone number is _____ Teletypewriter for impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717 BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: July 23, 1993

TO: Arnold Jablon, Director Zoning Administration and Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

Item Nos. 17, 23 and 27.

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

'ZAC.17/ZAC1

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

August 4, 1993

Mr. Arnold Jablon, Director Zoning Administration and Development Management

J. Lawrence Pilson Development Coordinator, DEPRM SUBJECT: Zoning Item #27 Piunti Property, 11733 Hamilton Place

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Zoning Advisory Committee Meeting of July 26, 1993

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:jbm

PIUNTI/DCSBP

RE: PETITION FOR VARIANCE
SE/S Hamilton Place, 1490' NE
of Carrington Drive (#11733 : OF BALTIMORE COUNTY
Hamilton Place), 11th Election
Dist., 5th Councilmanic Dist. : Case No. 94-26-A

ARCANGELO R. PIUNTI, ET UX, :

: : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

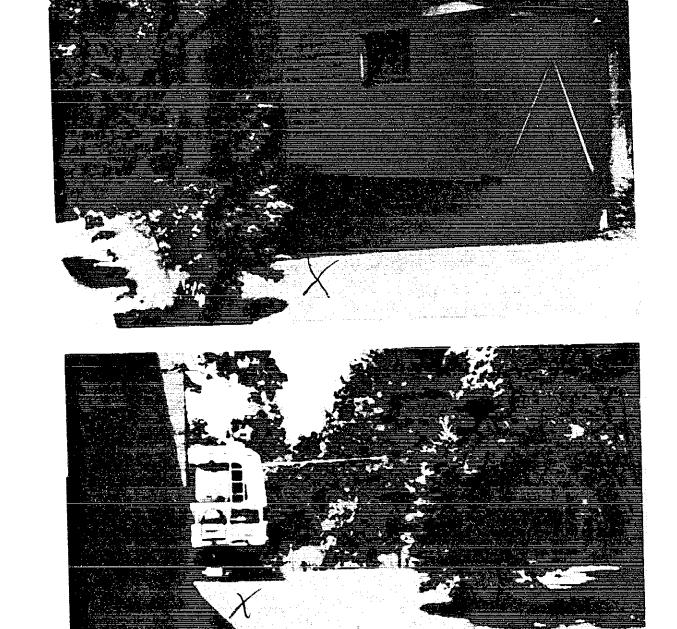
I HEREBY CERTIFY that on this 29th day of July , 1993, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Arcangelo R. Piunti, 11733 Hamilton Place, White Marsh, MD 21162, Petitioners.

Peter Max Zimmerman

JUL 80 1993

• 94-26-A

64-80-93



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

Andangelo R. Piunti Sylvia Piunti Pangla Piunti Staddin

11733 HAMILTON PL 11733 HAMILTON PL 11 PANA PL 2A

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
MAYALIR TO ANDRESA	17735 HARRY TON (12 21/4)
Bobert T. Ardrews	11736 Nam. Wen 112000
Lucille P. Lee	11732 HamiltonPl. 21163
Lives Roars	
Vivin R. Anderson	Marille Plans
Rusham Harris	
Andria de America de Vi	
Berny Jake Dight	1737 MAMILION The
WILLIAN F DIEIL	
Thomas & morrow	110250 Harry (1 /4/142
LAGOR E. MANY	1000 1000 1000 1000
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- 94-26-A

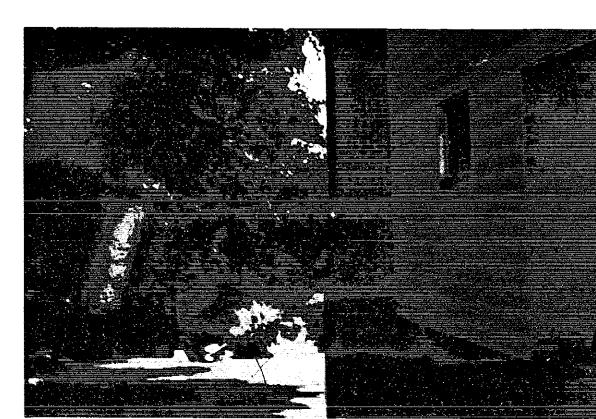




EXHIBIT NO. 2

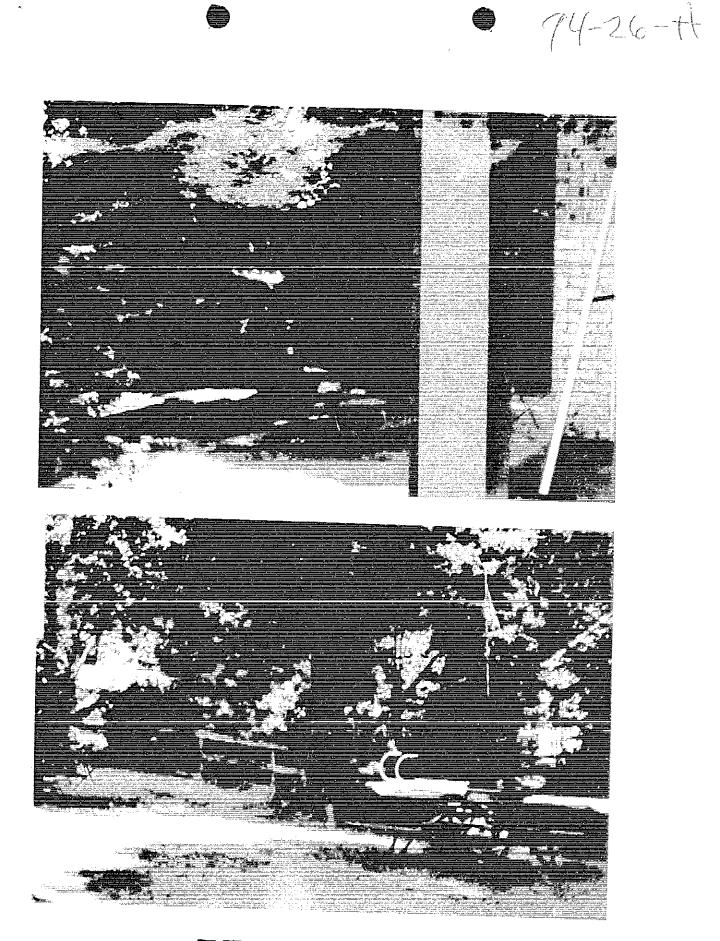
We, the undersigned, do oppose the

Zoning Variance - Case No. 94-26-A.

Stablis J. Andrews
Clasie A. Lee
Leccier F. Lee
Leccier F. Lee
Leccier F. Lee
Louise F. Lee
Retty Jane Diehl
Welham 15 iehl
Pornie M. Kappes
James Kappes
Charles D. Roup dr.
Mary S. Struz
Georgia Janiche
Mel Janiche
Melond Novan
James Parker
James Parker
James Parker
James Parker
Wellin: E. Well
Emma M. Blagek
Lund & Black
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Address 11735 Homilton Pl 11735 Hamilton Place 11732 Hamilton Place 11737 Hamilton Place 11939 Hamilton Pl. 11939 Hamilton Pl. 11741 Hamilton Pl. 11731 Samilton Place 11722 Hamilton Place 11722 HAMILTON 12. 11720 Homelton Place 11720 Hamieton Place 11725 Hamilton Place. 11716 HAMICTON PL. 11716 Harrieton Pl. 11719 Hamilton Pl. 5804 Carrington DN. 117250 HANILTONPL.



PETITIONER'S EXHIBIT NO.

